

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 11:00A (Time), 05.17.99 (Date)

File #: 95A HQ 1026031

Laboratory #(s): 10321044 10624041

10408063

10604010

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>QW</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): NOT KNOWN Pages: 714-785

Laboratory Report(s):

Laboratory Number: 10321044 10408063 Date: 8-16-91
10604010 10624041

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: RQ QW ZJ UNKNOWN TECHNICIANS

Laboratory Number: 10321044 10408063

Laboratory Number: 10604010 10624041

Laboratory Number: _____

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Initials: SRR

Was any other material reviewed? Yes No

If yes, please identify and/or describe the material: FOUR SUBMISSION LETTERS FROM
SUBMITTING OFFICIAL, ONE LETTER OUTLINES INVESTIGATORS SYNOPSIS OF
THE CRIME

Results of Review

File #: 95A HQ 1026031 Item or Specimen # Reviewed: Q9, Q10-Q14, Q15
Q24, K6

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
 - 4) Testimony consistent with the bench notes? Yes No Unable to Determine
 - 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

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Initials SKH

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

#1. THERE IS NO DOCUMENTATION OF ANY ANALYSIS ON THE ROPE (Q10-Q14) BEYOND A VISUAL EXAMINATION.

DOCUMENTATION OF HAIR COMPARISON IS INADEQUATE - EXAMINATION NOTES ARE NOT DATED; REVIEWER IS UNABLE TO INTERPRET EXAMINER'S NOTES DUE TO HIS USE OF ABBREVIATIONS; THE NUMBER OF HAIR AVAILABLE FOR EXAMINATION IN K6 IS NOT DOCUMENTED; MAGNIFICATION USED TO PERFORM THE HAIR COMPARISON IS NOT DOCUMENTED.

#2. DOCUMENTATION IS LACKING CONCERNING EXAMINATION OF THE ROPE AND HAIR AS NOTED IN #1 ABOVE.

EXAMINER ZJ PERFORMED CONFIRMATION OF HAIR COMPARISON, BUT DOCUMENTATION OF SPECIFICALLY WHAT HAIR HE EXAMINED AND HIS CONCLUSION IS NOT PRESENT.

Review completed at: 9:30A (Time), 05/18/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 6 1/4 HOURS

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 5 pages.

Steve Roberts
(Signature)

5-18-99
(Date)

Additional Comments
(Set forth by question #, if applicable)

File #: 95A HQ 1026031

#3. EXAMINER TESTIFIED THE Q10-Q14 ROPES ARE COTTON. THIS IS NOT STATED IN THE LABORATORY REPORT OR DOCUMENTED IN THE BENCH NOTES.

TESTIMONY THAT "IT WOULD BE HIGHLY UNLIKELY FOR... ANYBODY ELSE TO HAVE HAIRS EXACTLY LIKE THE HAIRS OF MR. MILFORD" IS MUCH STRONGER THAN THE OPINION STATED IN THE LABORATORY REPORT AND IN EARLIER TESTIMONY WHERE EXAMINER SAID THE HAIR IS "CONSISTENT WITH COMING FROM MR. MILFORD" AND "THERE COULD BE OTHER PEOPLE OUT THERE WITH HAIRS JUST LIKE MR. MILFORD".

EXAMINER DID NOT REPORT THE PRESENCE OF Q9 AND Q15 PUBIC HAIRS FROM THE SCENE THAT DID NOT MATCH THE SUSPECT.

EXAMINER TESTIFIED HE ELIMINATED THE VICTIMS AS SOURCE OF Q24 BECAUSE Q24 SHOWED NO SIGNS OF GRAYING. THIS IS NOT IN THE LABORATORY REPORT OR BENCH NOTES.

#4. EXAMINER TESTIFIED THE Q10-Q14 ROPES ARE COTTON. THIS IS NOT DOCUMENTED IN THE BENCH NOTES.

EXAMINER TESTIFIED Q24 HAIR SHOWED NO SIGNS OF GRAYING. THIS IS NOT DOCUMENTED IN THE BENCH NOTES.

EXAMINER TESTIFIED HE SCREENED THE EVIDENCE FOR HAIR BUT BENCH NOTES INDICATE TECHNICIANS DID THE SCREENING.

EXAMINER TESTIFIED "IT'S OUR POLICY AT THE FBI LAB THAT WE HAVE TO FIND AT LEAST 15 OF THESE INDIVIDUAL MICROSCOPIC

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Initials: SKW

Additional Comments
(Set forth by question #, if applicable)

File #: 95A HQ 1026031

CHARACTERISTICS IN THE HAIR. IF IT'S LESS THAN 15, WE'LL WILL
CLASSIFY THE HAIR AS NO VALUE FOR COMPARISON." DOUG
DEEDRICK ADVISED THIS REVIEWER THAT HE'S NOT AWARE OF
ANY POLICY LIKE THAT

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Initials: EWL